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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,078

02/21/2002

Adam E. Norton

SEN-020

2338

7590

05/20/2004

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EXAMINER

CURTIS, CRAIG

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

17

Office Action Summary	Application No.	Applicant(s)	
	10/081,078	NORTON, ADAM E.	
	Examiner	Art Unit	
	Craig Curtis	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-31 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 23-26, 31 and 33-36 is/are rejected.
- 7) ☐ Claim(s) 27-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Disposition of the Instant Application

- This Office action is responsive to Applicants' Amendment filed on 5 March 2004.
- By this amendment, Applicants have amended claims 25, 27, 28, and 31, and have newly added claims 33-36.
- Claims 23-31 & 33-36 presently are pending in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 23, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hakimi (US Pat. No. 5,432,637).**

With regard to claim 23, Hakimi discloses the invention as claimed—[a] depolarizer (see Fig. 1) with more than two birefringent plates (see col. 4, ll. 46-56: i.e., claim 2).

With regard to claim 24, Hakimi further discloses wherein all said plates have substantially different thicknesses. See Fig. 1.

With regard to claim 26, Hakimi still further discloses wherein said depolarizer has three plates (see claim 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25, 27, and 28, 31, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hakimi (US Pat. No. 5,432,637).

With regard to claim 25, Hakimi discloses the claimed invention as set forth *supra* **EXCEPT FOR** an explicit teaching where all the plates have substantially different rotation angles of the respective ordinary axis. It is noted, to the extent that Hakimi can be viewed as not explicitly disclosing this teaching, that various of the respective ordinary axis of each of said plates disclosed by Hakimi are in fact taught as having substantially different rotation angles (see claim 2). In any event, the Examiner hereby takes Official Notice of the fact that the practice of the rotation of a series of birefringent plates such that the ordinary axes of said plates have substantially different rotation angles is notoriously old and well-known in the polarization art. This being the case, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have oriented all the plates such that they have substantially different rotation angles of their ordinary axis (read: ordinary axes) for at least the purposes of achieving a desired polarization discrimination.

Allowable Subject Matter


3. **Claims 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With regard to claims 27 and 28, the claims would be allowable over the prior art for at least the reason that the prior art does teach or reasonably suggest a depolarizer wherein the thicknesses of the plates are the ratio (read: in the ratio) of 1:3:9, and 4:3:9, respectively; and with regard to claims 29 & 30, the claims would be allowable over the prior art for at least the reason that the prior art does teach or reasonably suggest a depolarizer wherein the angle between two of said plates is one of the recited values.**

With regard to claims 31 & 33-36, it is noted as being at least implicit, if not explicit, that the thicknesses of the plates of the combination are selected such that the fundamental frequency is not significantly detectable, and that the order and thickness of the plates be disposed as recited in these claims.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Curtis, whose telephone number is (571) 272-2311. The centralized facsimile phone number for the USPTO is (703) 872-9306.

Any inquiry of a general nature regarding to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-0956.



**Audrey Chang
Primary Examiner
Technology Center 2800**

Craig H. Curtis
Group Art Unit 2872
12 May 2004